



Report to the Legislature

**Racial Disproportionality
in the Juvenile Justice System**

**Chapter 415, Laws of 1993
RCW 13.06.050(3)**

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EXECUTIVE SUMMARY

Background

The Juvenile Rehabilitation Administration (JRA) is charged with the annual responsibility of reporting to the Legislature (Chapter 415, Laws of 1993) its findings regarding racial disproportionality in the juvenile justice system and identifying any progress made toward reducing minority overrepresentation.

RCW 13.06.050(3) defines the elements required in this report to include identifying efforts of the juvenile justice system to reduce disproportionality, evaluating any progress made toward achieving that goal, and recognizing cost-effective programs that reduce disproportionality.

There is historical evidence of racial disproportionality nationwide, as well as in Washington State. Attempts to understand causes and institute interventions are relatively new, however, and this report provides an overview of both the national and the state's efforts to do so. The national focus on this issue has helped provide the impetus for the Washington State juvenile justice system to initiate an objective examination of this issue. This process will continue to guide efforts toward reduction of disproportionality and, specific to JRA, disproportionate minority confinement.

Statement of the Problem

As required by legislation enacted in 1993, a series of studies were begun to help answer the question "*What do we know about racial disproportionality in Washington State?*" JRA contracted with George Bridges, Ph.D., with the University of Washington to conduct these studies and report annually to the Legislature. The final report by Dr. Bridges was provided to the Legislature in December 2000.

The studies revealed evidence of disproportionate minority confinement in Washington State and recognized the complexity of the issues and reasons behind these findings. The studies also documented an overall reduction in crime in Washington and an increase in youth of color in the general state population. Along with these statistics, the 2000 report identified a diminishing disparity between white and minority youth at every stage of the juvenile justice system due, at least in part, to the activities of various county juvenile courts to implement programs designed to address unwarranted disproportionate minority confinement.

The 2000 study also identified that the only exception to a reduction in disproportionate minority confinement was in the increased percentage of minority youth committed to JRA.

Methodology

JRA used a four-phase process to compile information included in this report. The phases are:

- **Review of the Literature** which included national and regional intervention programs, with a focus on increasing JRA's knowledge base.

- **JRA Data Collection** which identifies trends and provides opportunity for quantitative data analysis.
- **Stakeholder Input Process** that allows for participation and provides one mechanism to help gauge community attitudes and assist in qualitative analysis.
- **Organizational Contacts and Conferences** that provide preliminary information regarding “what works,” at least in certain locales.

It is important to note that this report is descriptive and provides a brief summary of information available to-date regarding disproportionate minority confinement, its potential causes, intervention efforts, progress in reduction, and recommendations for the future.

National Research

National research provides the following observations regarding racial disproportionality. A representative sample of the literature observes:

- Disproportionate minority confinement is the result of complex circumstances and influences, with no one fixed cause or solution.
- Differential outcomes can occur at any stage of processing and can be cumulative in effect.
- Efforts to reduce disproportionate minority confinement must include assessment at all decision points in the system, covering process and outcome evaluation, and include quantitative and qualitative analysis.
- Collaboration is required at the state, county, and community level to implement disproportionate minority confinement interventions.
- National data is inconclusive regarding the specific interventions that are most successful.
- Adequate resources must be allocated or redirected if meaningful progress is to be made.

Implications for Washington State

Racial disproportionality is evident in Washington State. Some county courts and JRA have instituted interventions, resulting in success in some phases of the juvenile justice continuum. Disproportionate minority confinement, however, remains evident within the adjudicated population committed to JRA.

There is a continuing need to collect quantitative data, establish state, county, and community linkages around this issue, and gather qualitative data and local contextual understanding.

To begin, a statewide conference should be held to discuss national best practices in achieving proportionality, facilitating a community teaming approach in which participants can examine processes and data to identify strategies and plans for successfully addressing disproportionality. Efforts to develop objective assessment tools at each decision point should also continue.

Washington's success in reducing racial disproportionality is contingent upon a broad-based commitment to do so, development of locally responsive policies and processes that address the specific circumstances of the local community, and adequate resource identification and allocation. For adjudicated youth, JRA should examine completion rates of service interventions and completion rates for youth of color in step-down and transition programs.

Purpose of the Review and Report

The Juvenile Rehabilitation Administration (JRA) is charged with the annual responsibility of reporting to the Legislature (Chapter 415, Laws of 1993) its findings regarding racial disproportionality in the juvenile justice system and identifying any progress made toward reducing minority overrepresentation.

This report summarizes JRA's efforts to review the issue of racial disproportionality in the juvenile justice system and report on the progress made toward reducing minority overrepresentation. By engaging in this process of review and reporting, several goals have been accomplished:

- **The legal reporting requirement is met.** RCW 13.06.050(3) directs the juvenile justice system to:
 - evaluate the effectiveness of programs funded under this chapter in reducing racial disproportionality;
 - investigate whether implementation of such programs has reduced disproportionality in counties with initially high levels of disproportionality; and
 - identify cost-effective programs that reduce disproportionality.
- **Efforts of the juvenile justice system to reduce disproportionality are analyzed.** JRA programs are reviewed specifically, with the intent of examining any partnership efforts currently in place.
- **A current literature review is completed.** This step is critical to understanding what is achieving desired results, why it is working, and implications for JRA and the state juvenile justice system as a whole.
- **The current status and/or progress of racial disproportionality remediation efforts in Washington are reviewed.**
- **Recommendations for future efforts are documented.** These recommendations are intended for broad use by the Legislature, state and county governments, various stakeholders, and the community at large.
- **A proposed action plan for JRA is formulated.** This plan takes into account the seriousness of minority overrepresentation while recognizing the resource and budget realities confronting state government.

There has been long-term historical evidence of racial disproportionality nationwide. Efforts to understand the causes and institute appropriate interventions, however, are relatively recent. As stated in *Disproportionate Minority Confinement: A Review of the Research Literature from 1989 Through 2001* (Pope, Lovell, Hsia, 2002), "Concerns about the overrepresentation of minority youth in secure confinement have long been noted, and much research has been devoted to this issue. It is only within the past decade or so, however, that national attention has been directed to the impact of race on juvenile justice decision making."

This national attention ultimately has caused the Washington State juvenile justice system to begin an objective examination of policy and practice at the various decision points in the system to help identify both direct and indirect causal factors. This ongoing examination will, in turn, guide continuing efforts toward reducing the levels of disproportionality experienced by minority youth and their families.

An additional influence toward reduction in disproportionate minority confinement has been federal law. In the 1988 amendments to the national Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, "*Congress required that States participating in the Formula Grants Program determine if disproportionate minority confinement exists and, if so, demonstrate efforts to reduce it*" (Pope, Lovell, Hsia, 2002). This federal initiative was strengthened in 1992 through reauthorization of the Juvenile Justice Delinquency Prevention Act and adoption of disproportionate minority confinement reduction efforts as a core requirement of the Formula Grants Program. As a participant state, Washington's reporting requirement is being met by the Washington State Governor's Juvenile Justice Advisory Committee (GJJAC)/Office of Juvenile Justice.

Introduction and Statement of the Problem

Any effort to articulate the problem of disproportionate minority confinement must begin with the question "What do we know about racial disproportionality in Washington State?" Efforts to answer that question began in 1993 through a series of studies conducted by George Bridges, Ph.D., with the University of Washington. The last report prepared by Dr. Bridges was presented to the Legislature in 2000. These studies reveal several important facts that help construct a response.

First, there is clear evidence of disproportionate minority confinement in Washington State. The reasons for this, however, are complex and are not easily attributable to a single factor or decision point in the juvenile justice system. For example, it was noted that while whites and minorities are involved in similar amounts of crime, the types of crimes committed by minority youth are much more likely to result in attention by police, culminating in subsequent arrest and referral. Ultimately this may lead to disproportionate charging, adjudication, and confinement. This overrepresentation was a direct result of minority involvement in crime and arrest.

Second, the 2000 Disproportionality Report documents an overall reduction in crime in Washington across all major crime categories and an increase in the concentration of youth of color in the general state population.

Third, along with these statistics, the 2000 report identified a diminishing disparity between white and minority youth at every stage of the juvenile justice system after arrest. This decline was attributed, at least in part, to the efforts of various county juvenile courts to implement programs designed to address unwarranted disproportionate minority confinement. The report also disclosed, however, that some large courts experienced significant reductions in levels of disproportionate minority confinement, while other courts did not. While there

were no clear explanations for this inconsistency, it was suggested that larger urban courts, with larger minority populations and greater court resources, were more likely to experience diminished rates of disproportionate minority confinement. Additionally, the level of aggressive action taken by the county court system appeared to be a significant factor in reduction.

Fourth, the exception to a trend toward reduction of disproportionate minority confinement was in the percentage of minority youth committed to JRA. It was speculated that the increase could be due to several factors and cited examples including law changes, judicial discretion and decision-making, and lack of community-based alternatives, to name a few.

For a complete and thorough understanding of the findings and conclusions generated by these studies, refer to ***Racial Disproportionality in County Juvenile Facilities: 10 Years Experience*** (Bridges, Anderson-Bond, Bond, Desmond, 2000).

These studies provide valuable data and analysis that help answer the question “What do we know about racial disproportionality in Washington State?” More importantly, we can begin to make assumptions and predict outcomes associated with the level of effort and resources allocated to program interventions. To ensure an objective, effective intervention plan, however, it is important to employ a specific methodology that provides a full range of information and also garners the input and support of key stakeholders.

The **first** methodological phase is the literature review. It is critical that intervention programs are consistent with national, regional, and state knowledge bases. It is important that we know “*what does the existing research now tell us about the processing of minority youth through the juvenile justice system?*” (Pope, Lovell, Hsia, 2002).

The **second** phase involves the collection of JRA statistical data. We need to capture relevant raw numbers to help quantify trends and pertinent benchmarks. The **third** phase introduces the process to gather key stakeholder input. Despite the studies over the last nine years, we still are operating with a relatively imprecise data and knowledge base, and the stakeholder input provides one mechanism to help gauge community attitudes and assist in the qualitative analysis effort.

The **fourth** phase is organizational contacts and conferences. This provides, at a minimum, anecdotal assertions about “what works,” and serves as a screening mechanism to help maintain focus on topics relevant to Washington State. Optimally, these activities provide hands-on insight into some of the intervention processes showing a reduction in disproportionate minority confinement.

Once the methodological process has been completed we can reach conclusions and produce findings that will help determine the focus and level of intensity of our interventions.

Methodology

JRA used a four-phase process to compile information included in this report. The phases are:

- **Review of the Literature** which included national and regional intervention programs, with a focus on increasing JRA's knowledge base.
- **JRA Data Collection** which identifies trends and provides opportunity for quantitative data analysis.
- **Stakeholder Input Process** that allows for participation and provides one mechanism to help gauge community attitudes and assist in qualitative analysis.
- **Organizational Contacts and Conferences** that provides preliminary information regarding "what works," at least in certain locales.

It is important to note that this report is descriptive and provides a brief summary of information available to-date regarding disproportionate minority confinement, its potential causes, intervention efforts, progress in reduction, and recommendations for the future.

Review of the Literature

A collection of national research regarding disproportionate minority confinement has been slowly building—almost exclusively during the last 25 to 30 years. Much of the research has focused on African American youth resulting in insufficient attention to other minority groups, particularly Hispanic youth. As noted by Hope, Lovell, and Hsia, 2002, p. 16, *"future research should focus on these other groups, while continuing to address African Americans. Researchers need to recognize the importance of targeting these other groups, especially because these minority populations may be clustered in geographical areas that rarely have been studied."* This last reference is related to the fact that the preponderance of research has occurred in urban areas, predominately in the Midwest and East, with a relatively smaller percentage in the Northwest.

One of the findings brought forth in the literature is that **the sources of disproportionate minority confinement are complex and not necessarily universal**, therefore reinforcing the need to have a clear understanding of issues related to disproportionate minority confinement not just from the perspective of specific race, but also by location. Too often research has aggregated data based on minority classification such as "other" while examining disproportionate minority confinement in relation to a particular minority group which *"mask variations between and/or obscure specific information relevant to particular groups"* (Pope, Lovell, Hsia, 2002). The need for disaggregation is one that should be paid attention to whenever program interventions are being developed. The causes of and interventions for disproportionate minority confinement may not be the same either for a specific minority group between locations, or for different minority youth within a specific location or jurisdiction.

Another trend in national research is recognition that disproportionate minority confinement cannot be fully understood and addressed by analyzing quantitative data alone. While the collection of statistics is a cornerstone of effective analysis and certainly may provide the hard data to verify the existence of disproportionate minority confinement, qualitative analysis is equally important. As an example, *“the extent to which attitudes, background, and family characteristics of minority youth may interact with race to affect disproportionate minority confinement outcomes remains an open question”* (Pope, Lovell, Hsia, p. 16, 2002).

This qualitative approach, when utilized, provides insight into the texture and social construct within which decisions are made regarding youth involved in the juvenile justice system. National research is substantiating that full understanding of the disproportionate minority confinement issues must be based upon statistical data **and** these types of qualitative research. Also, the fundamental issue of how social and economic status is interwoven into resolution at each of the decision points in the system is pertinent to any effort to understand and/or impact disproportionate minority confinement.

The national literature also reveals that disproportionate minority confinement can be the end result of decisions made at any point in the juvenile justice continuum, from arrest to detention, filing, prosecution, and disposition. The significance of this finding is that it serves to reinforce the fact that disproportionate minority confinement is not singular in terms of cause, source, or outcome. There are no “formula fixes” that serve all populations or circumstances equally well. While the issue of complexity can be somewhat overwhelming, it is, on the other hand, reassuring to know that the level of research going into understanding the problem is helping frame specific approaches to disproportionate minority confinement intervention.

Perhaps the most effective summation of factors listed in the national research regarding the overrepresentation of minority youth in juvenile justice processing and the disproportionate confinement of minority youth is that of Pope, Lovell, and Hsia, p. 19, 2002:

- Race effects could involve a single decision stage or multiple decision stages.
- Differential effects could exist across or within groups.
- Effects may emerge for certain types of offenses and not others.
- Where no significant effects are attributable to decision making from intake through disposition, overrepresentation and disproportionate minority confinement related problems may be front loaded, stemming from factors such as local policies or practices to factors such as social conditions that contribute to placing minority youth at risk and/or at an initial disadvantage.
- The extent and nature of effects and specific factors of importance may vary across jurisdictions and communities.

- Problems of overrepresentation and/or disproportionate confinement may require changes in the local justice system, broader changes in the local community, or, more likely, both.

This listing reflects the basic findings of much of the national research and, for that reason, should be essential information when formulating plans concerning assessment and intervention at any level.

One of the most useful and cogent national sources of information regarding disproportionate minority confinement is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) bulletin issued December 1998. Entitled ***Disproportionate minority confinement: Lessons Learned From Five States*** (Devine, Coolbaugh, and Jenkins), the bulletin describes the experiences of the states of Arizona, Florida, Iowa, North Carolina, and Oregon in their efforts to assess disproportionate minority confinement, design and then implement corrective actions.

The authors provide the clear definition of disproportionate minority confinement, specifically, *“the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups...exceeds the proportion such groups represent in the general population”* [Juvenile Justice and Delinquency Prevention Act, sect. 223, (a)(23)]. They also identify the five minority groups that hold federally mandated minority status: African-American, American Indian, Asian, Pacific Islander, and Hispanic. The bulletin also references research by Pope and Feyerherm that discloses *“multiple factors may contribute to disproportionate minority confinement, ranging from systemic racial bias to higher minority juvenile offenses.”* This finding replicates that of other researchers and reinforces the idea that there is no one cause or solution to the disproportionate minority confinement issues but, rather, understanding requires comprehensive local assessment and intervention.

While each of the states undertook varied activities in their efforts to assess and intervene, their activities generally reflected a common problem-solving process, as identified in Table 1.

Table 1
Overview of the Five Pilot States' Disproportionate Minority Confinement (DMC)
Process and Lessons Learned

DMC Process	Lessons Learned
Assigning organizational responsibility.	Determine the optimal lead organization. Appoint a coordinator. Allocate adequate resources.
Analyzing juvenile justice data.	Acquire accurate quantitative data. Conduct systemic data analyses. Interpret data within the local social and political context. Engage stakeholders in the process.
Identifying underlying factors.	Gather information on contributing factors. Synthesize contributing factors. Build consensus about contributing factors.
Creating and enhancing interventions.	Clearly specify the role for State organizations. Focus on local planning and implementation. Involve all stakeholders. Develop multiple intervention strategies. Anticipate the transition from planning to implementation.
Developing methods to measure the interventions' impact.	Design monitoring systems at the local level. Select an appropriate monitoring organization. Capture overall results and impacts.

As one can see from the table, a successful disproportionate minority confinement initiative **requires commitment** at many levels within the state, county, and community structure, as well as **sufficient resources** to implement meaningful and effective interventions. Key to the overall effort is organization and leadership.

Each of the states encountered resource barriers when designing and implementing interventions and, unfortunately, none of the states were able to fully resolve the problem of insufficient funding. Along with philosophical intent and commitment comes the reality of resource allocation, a reality that most certainly will need to be taken into account in any disproportionate minority confinement endeavor undertaken in Washington State.

The work by these states also uncovered the need to conduct a systemic analysis and interpret data within the local social and political context. This is particularly relevant when attempting to analyze quantitative data and show relationships between proportions of minorities in the juvenile justice system and in the overall juvenile population. The OJJDP standard equation for assessing this relationship, shown in Table 2, is a clear example of an instrument that requires both these elements to adequately conduct comprehensive analysis.

Table 2
Using an Index Value as a Measure of Disproportionate Minority Confinement

Minority overrepresentation index:

$$\frac{\% \text{ of minority juveniles in the juvenile justice population}}{\% \text{ of minorities in the overall juvenile population}}$$

An index value of:

- More than 1 indicates minority overrepresentation.
- 1 indicates proportional representation.
- Less than 1 indicates minority underrepresentation.

Another lesson learned by the states is the fact that **no single feature distinguished communities with high levels of overrepresentation from those with low levels**. The implication, therefore, is that interventions must be based on an understanding of each specific juvenile justice system, each of its parts, and the social, political, and economic influences present in the locality. To summarize, while the factors that contribute to disproportionate minority confinement within a specific local system and/or community may vary, the states found that the overall possible listing of factors was consistent. **The interrelated areas are:**

- The juvenile justice system.
- The educational system.
- The family.
- Socioeconomic conditions.

This finding underscores the broad range of national research that details the complexity involved in identifying the sources and instituting the programs to effectively diminish disproportionate minority confinement.

Regional activity and literature is most prevalent regarding the efforts in Oregon to reduce disproportionate minority confinement. Beginning in 1993, the Research and Evaluation Department of the Oregon Community Children and Youth Services Commission (OCCYSC) assessed the extent of overrepresentation in the state's juvenile justice system. Analysis of the data indicated that African American youth were particularly likely to be overrepresented at every decision point in the system. Other minority groups were less likely to be overrepresented. The highest rate of overrepresentation was at the commitment or close custody point in the system.

Following the assessment, interventions were initiated in three counties: Lane, Marion, and Multnomah. The Oregon Disproportionate Minority Confinement project focused on a systemic intervention process, implementing a continuum of disproportionate minority confinement programs that included advocacy, collaboration, and alternative resources development. Each county implemented programs intended to impact various components of the system.

A 1994 **process** evaluation of their activities indicated positive results. There was increased cultural awareness and sensitivity of service providers; the unique needs of minority juvenile offenders were addressed in a more culturally appropriate manner; there was increased school and employment participation; and increased self-esteem and self-control of minority juvenile offenders.

The **outcome/impact** evaluations provided mixed results. One county was unable to demonstrate a clear link between program participation and reduced recidivism, while the results of another county provided no support for the effect of program participation and reduced recidivism.

The key findings associated with the Oregon Disproportionate Minority Confinement project pertain to impacting the system, not individual minority youth; clarifying the role of the state as that of collaborator with local jurisdictions rather than providing directives and control; the importance of having minority employees in key decision-making roles; and the overall complexity of the disproportionate minority confinement issues, as revealed by the inconclusive findings regarding the effectiveness of specific approaches.

JRA Statistical Data Collection

- ***Demographic data***

According to the 2000 Census, juveniles comprise 26 percent of the population in Washington, with 1.5 million youth ages 0-17 years old. This reflects a 19 percent increase from 1990. The 10-17 year-old population—the group most likely to enter the juvenile justice system—has shown steady increase (1.7 percent from 1999), with a 33 percent increase from 1990. There is a projected 1 percent increase by year 2010 and an 11 percent increase by year 2020. One-half, or fifty percent of the youth live in three western counties: King, Pierce, and Snohomish. Two-thirds, or sixty-four percent live within five of the state's thirty-nine counties.

- ***Minority Population***

The juvenile minority population has increased from 15 percent in 1990 to 24 percent in 2000. Seventy percent of Washington's youth are white, four percent black, two percent American Indian and Alaska Native, five percent Asian, one-half percent Native Hawaiian and other Pacific Islander, six percent are "some other race," and seven percent "two or more races." Youth of Hispanic/Latino ethnicity may be present in various racial groups and constitute 12 percent of Washington's youth.

- ***Arrest Data***

The 2000 arrest rate for juveniles aged 10-17 is 68.9 for every 1,000 juveniles—a decrease from the 1999 rate of 72.4. The 2000 arrest rate is the lowest rate since prior to 1980 and has decreased by 21 percent from 1990 to 2000. The racial distribution of juvenile arrests for 2000 shows 84 percent are white and 15 percent minority: 9 percent Black, 3 percent American Indian, and 3 percent Asian. Persons of Hispanic origin can be of any race and are distributed throughout the categories.

Since 1995, the arrest rate has shown a generally declining trend: from 81.5 per 1,000 to 68.9 in 2000.

- ***Court Offense Referrals***

The 2000 rate of juvenile court offense referrals has declined 7 percent from 1999, and 11 percent from 1990. The racial distribution of referrals for 2000 is 69 percent White and 26 percent minority: 10 percent Black, 3 percent Asian, 9 percent Hispanic, and 4 percent Native American.

It is interesting to note that the arrest rate of Whites is 84 percent and the minority arrest rate is 15 percent, while the referral rate for Whites arrested is 69 percent and for minorities arrested it is 26 percent. In 2000, 8 percent of the cases found guilty were sentenced to JRA. This rate has fluctuated from 1990 to 2000, ranging from 8 to 11 percent. Of those cases sentenced to the standard range, 74 percent were White and 26 percent were minorities: 8 percent Black, 5 percent Native American, 11 percent Hispanic, and 2 percent Asian. Of those cases sentenced outside the standard range, 68 percent were White and 32 percent minority: 11 percent Black, 4 percent Native American, 14 percent Hispanic, and 2 percent Asian.

- ***JRA Commitments***

Utilizing the OJJDP Index Value equation demonstrates overrepresentation within JRA:

For standard range sentencing:

<u>8% Black</u>	<u>5% Native Amer.</u>	<u>11% Hispanic</u>	<u>2% Asian</u>	<u>74% White</u>
4% pop.	2% pop.	12% pop.	5% pop.	76% pop.

I.V.= 2	I.V.= 2.5	I.V.= .92	I.V.= 0.4	I.V.= .97
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More than 1 indicates overrepresentation

Less than 1 indicates underrepresentation

These numbers identify disproportionate minority confinement for two minority groups—Black and Native American populations. Significant underrepresentation is noted with the Asian group. While these numbers are one rudimentary method of signaling disproportionate minority confinement within JRA, **understanding the causes of disproportionate minority confinement and potential interventions remain complex issues**. Examining the local context is required in order to recognize any process points that may contribute to or exacerbate disproportionate minority confinement outcomes.

For manifest injustice sentencing:

<u>11% Black</u>	<u>4% Native Amer.</u>	<u>14% Hispanic</u>	<u>2% Asian</u>	<u>68% White</u>
4% pop.	2% pop.	12% pop.	5% pop.	76% pop.

I.V.= 2.75	I.V.= 2	I.V.= 1.2	I.V.= 0.4	I.V.= .89
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These figures demonstrate an **increase in disproportionate minority confinement of Black youth**, a drop in Native American disproportionate minority confinement values, introduction of slight disproportionate minority confinement values for Hispanic youth, and unchanged underrepresentation of Asian youth and increased underrepresentation of

White youth. Again, detailed analysis is necessary to understand the reasons behind these figures.

There are a number of additional reports and statistical charts that bring more detail to these figures. However, it is JRA's intent within this document to report the presence of disproportionate minority confinement, identify those minority groups most negatively impacted by these phenomena, and describe current and potential efforts to address the problem.

The JRA would like to acknowledge and thank the Governor's Juvenile Justice Advisory Committee (GJJAC) for the compilation and distribution of demographic and juvenile justice system materials presented and discussed within this report. This GJJAC data is necessary and critical to JRA in preparing this annual report.

Key Stakeholder Input

In August 2002, leadership from JRA, GJJAC, and the Sentencing Guidelines Commission met to discuss a joint approach to the issue of disproportionate minority confinement. The meeting ended with agreement to co-sponsor a conference entitled *Best Practices for Reducing Disproportionate Minority Confinement*. The conference has been scheduled for April 3, 2003, in Seattle.

The focus of the conference will be on two specific best practices for reducing disproportionate minority confinement: The ***Building Blocks*** project managed nationally by the Heywood Burns Institute, and the Multnomah County, Oregon, project. Both of these projects have been successful in reducing disproportionate minority confinement.

These best practices require a team approach at the county or local level that includes the judiciary, prosecutors, defense associations, law enforcement, education, district, lead social service organizations, and other key stakeholders. Counties will be invited to attend the conference as teams with representatives from each of these areas. The ultimate goal for the conference is that counties will discuss and plan ways to address disproportionate minority confinement in local communities through established best practices.

Encouragingly, to date, the following professional groups have agreed to act as conference co-sponsors:

- Superior Court Judges Association
- Washington Association of Prosecuting Attorneys
- Washington Defenders' Association

The executive director of the Washington State Commission on African American Affairs provided input for this report. He stated the issue of disproportionate minority confinement in the juvenile justice system has been a vital concern of the Commission for many years and remains so given the obvious levels of over-representation. He identified the tremendous negative impact on the community and indicated the Commission's support for any movement toward reducing levels of disproportionate minority confinement. He specifically

cited efforts within the King County Prosecutor's Office to begin to seriously look at these issues.

The Commission's executive director also recommends that the Sentencing Guidelines Commission continue to look at sentencing structure to invoke changes that would reduce disproportionate minority confinement. Additionally, he stressed the need for the county juvenile courts and JRA to focus on educational and transition programming for confined youth. He was made aware of the general focus within JRA to provide individual educational assessment and programming services for committed youth and linkages to the community upon release. He stressed the need to expand these education and transition services for youth in short-term and long-term confinement.

The Commission on African American affairs has agreed to co-sponsor the April 3, 2003, *Best Practices for Reducing Disproportionate Minority Confinement Conference*. Other groups who wish to participate in efforts to reduce disproportionate minority confinement and have also agreed to act as conference co-sponsors are the:

- Washington State Commission on Hispanic Affairs,
- Washington State Commission on Asian Pacific-American Affairs, and
- Governor's Office of Indian Affairs.

Additionally, leaders, advocates, and community-based organizations from constituencies affected by disproportionate minority confinement are being invited to participate in the conference.

Organizational Contacts and Conferences

On October 9, the Oregon Governor's Summit 2002 was held near Portland. The summit was described as a celebration of progress in reducing the overrepresentation of minorities in the juvenile justice system in their state. The theme of this conference was entitled "Enhancing Partnerships with the Education Community." This focus was viewed as essential to the disproportionate minority confinement project, given the **high correlation** between school dropout rates and contact with the juvenile justice system.

Recent data regarding the continuing programs in Multnomah County is encouraging. Based on 2001 statistics, Multnomah County has shown remarkable progress in reducing overrepresentation at the confinement point in the juvenile justice system. White and minority youth are confined in detention at relatively the same rates, and commitment of African American youth to correctional facilities is much more closely aligned with general population figures. Hispanic and Native American youth remain somewhat overrepresented, and Asian and White youth are statistically underrepresented.

Presenters at the conference stressed the need for a systemic approach to reducing disproportionate minority confinement, not a strategy to impact the individuals at the various decision points. Multnomah County has instituted detention reform, primarily with the introduction of an objective instrument, called the Risk Assessment Instrument (RAI), used to guide who is detained and who is released after initial arrest.

The county has also engaged in building a coalition that includes the Oregon Youth Authority, judges, prosecutors, the schools, government offices, and the State Police. Through their collective efforts they have impacted the levels of disproportionate minority confinement, as previously identified, and reduced the average daily population (ADP) in detention from 96 to 20. This reduction in ADP has played a large role in their ability to redirect funds to the disproportionate minority confinement intervention strategies.

Governor John Kitzhaber, in his keynote address, stressed the role of school enrollment as a protective factor in reducing involvement in the juvenile justice system and beyond. He went on to state that school dropouts are the highest predictor of potential criminal involvement, citing the 70 percent plus dropout rate for current adult inmates in Oregon. While this revelation is not new and certainly reflects national trends, the **level of commitment and participation** by all aspects of state, county, and community representation in addressing the issue of disproportionate minority confinement was notable.

Conclusions

The national research provides ample data to reach basic conclusions that can be generalized regarding racial disproportionality. These include:

- Disproportionate minority confinement is attributable to a complex set of circumstances and influences, with no one fixed cause or solution.
- Nationally, there are “*substantial differences in the processing of minority youth within the many juvenile justice systems*” (Pope, Lovell, and Hsia, 2002), and this finding was replicated regardless of the type of research methodology employed.
- Differential outcomes could occur at any stage of juvenile processing and, in some instances, were cumulative (i.e., racial differences became more pronounced the further the youth penetrates into the system).”
- Efforts to reduce disproportionate minority confinement must include assessment at all decision points in the juvenile justice system. This assessment must include process and outcome evaluation and include quantitative and qualitative analysis.
- Disproportionate minority confinement interventions must be the result of a collaborative agreement and effort by state, county, and community agencies, and include stakeholder input. Interventions must be specific to the locality and jurisdiction.
- Some states and counties have been successful in reducing disproportionate minority confinement, but the research remains inconclusive regarding the specific set of interventions that are most successful.

- Inadequate resources to address racial disproportionality issues are evident nationally and must be identified if meaningful progress is to be made.

These conclusions represent key elements of the body of national research available but are not intended as a finite list. Clearly the data demonstrates the need to examine each juvenile justice system independently and arrive at process and outcome solutions pertinent to the minority populations in the target locality.

Implications for the State of Washington

There is historic evidence of racial disproportionality, including disproportionate minority confinement, in the juvenile justice system. The OJJDP Index Value table is one graphic representation. Racial disproportionality is not a new discussion point within our juvenile justice system, however, and steps have been initiated to begin mitigation.

As cited in earlier reports, the passage of Washington State's Racial Disparity Act in 1993 and The Youth Violence Prevention Act in 1994 resulted in action at various decision points across the juvenile justice system, including law enforcement, juvenile courts, prosecutors, and JRA. Cultural Diversity training is widespread, prosecutorial standards have been developed, and diversity initiatives within JRA have been implemented. The disparity between whites and minorities within the justice system has diminished on the "front end" of the system. However, despite these interventions, youth of color committed to JRA are still significantly over-represented when compared to the general juvenile population.

What the next steps should be in addressing disproportionate minority confinement pose serious questions. If evidence cited in national research is taken at face value, there is a need to continue to collect quantitative data; actively strive to establish state, county, and community linkages around this issue; and employ mechanisms to more effectively gather qualitative data and local contextual understanding regarding the decision-making processes within the juvenile system or continuum. There is effort and progress being made in each of these areas, but the **level of commitment and understanding, supported by resources**, must continue to be expanded.

Recommendations for Next Steps for the State Juvenile Justice System

- Move beyond just gathering data as to whether racial disproportionality exists, and why, to the issue of what to do about it. These solutions must, however, be pertinent to local jurisdictions and specific minority groups and must produce valid reductions. Research discloses intervention development and application to be an extremely complex process, however, so it must be recognized there will be no quick resolution.

- A statewide conference(s) should be held to present best practices and begin to develop locally-based strategies to reduce over-representation of youth of color in the juvenile justice system.
- Continue to develop objective assessment tools for use at each decision point in the juvenile justice system and collect data regarding results. As an example, statewide efforts by the juvenile courts to utilize a standardized risk assessment have been successful in helping minimize racial disproportionality at various stages of the system, other than commitment to JRA, and these efforts should continue.

These recommendations are representative of the level of activity required to fully address racial disproportionality. A recommended model to employ is presented by the OJJDP Bulletin *Disproportionate Minority Confinement: Lessons Learned From Five States* (December 1998), as discussed on page 10 of this report.

Recommendations for the Juvenile Rehabilitation Administration

JRA remains resolute in its commitment to provide the highest possible level of services to committed youth within the boundaries of legal authority and allocated resources. JRA remains intent on facilitating a reduction in disproportionate minority confinement and will take every opportunity to participate in meaningful dialogue with its juvenile justice partners to develop interventions that produce the desired effect.

- Continue to ensure diversity of staff, cultural sensitivity in policy and practice, and unbiased rehabilitation activities within its Integrated Treatment Model.
- Co-sponsor the statewide conference process and play a role in providing staff support, technical assistance, and information related to intervention models and available data.
- Continue to evaluate current objective assessment tools to ensure process and outcome validity. While these efforts will not by themselves reduce disproportionate minority confinement entry rates, they will provide continuity and equity of custody and treatment for all youth under commitment, and will reinforce unbiased release decisions and levels of supervision.
- Examine completion rates for adjudicated youth related to service interventions and completion rates for youth of color in step-down and transition programs.
- Support the building of partnerships with local counties and their juvenile justice teams, specifically to gather and analyze commitment data regarding disproportionate minority confinement, and identify interventions aimed at a reduction.